IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4186 OF 2007

Annappa Balu Powar ....Petitioner.
V/s
Suresh Sadashiv Bhagwat & Ors.
And State of Maharashtra ....Respondents.

CORAM: A.P.DESHPANDE, J.
13/7/07

PC:

The present petitioner-original plaintiff instituted a regular civil suit in the Court of Civil Judge, Senior Division claiming relief of permanent injunction, declaration, partition and separate possession. Pending suit the petitioner filed an application under Order 39 Rules 1 and 2. The said application came to be rejected by the trial Court after recording a finding that the petitioner has failed to make out prima facie good case. Concurring with the view taken by the trial Court the First Appellate Court as well dismissed the miscellaneous civil appeal. Aggrieved thereby the present writ petition has been filed. Perused the order. Same does not call for interference in exercise of writ jurisdiction. Hence writ petition is summarily dismissed.

2. However having regard to the nature of litigation I have no doubt that cause of justice would advance if expeditious decision of the suit is obtained. Thus I direct the trial Court to decide the suit as expeditiously as possible and preferably within six months from today. It is made clear that the trial Court shall proceed to decide the suit uninfluenced by observations made while deciding the temporary injunction application.

13.7.07